

## **REMARKS**

Filed concurrently with this paper is a Request for Continued Examination and fee pursuant to 37 C.F.R. § 1.114. This paper is being filed in response to the final Office Action mailed on February 24, 2010 (the "Office Action").

## **STATUS OF THE CLAIMS**

Claims 19-35 and 37 are pending in the application, of which claims 19, 25 and 32 are in independent form. Claims 1-18 and 36 were previously canceled. Claims 19, 20, 23, 25, 26, 29, 30, and 32 are amended herein.

In the Office Action, claim 19 stands rejected under 35 U.S.C. § 101 as purportedly being directed to non-statutory subject matter. Claim 20 stands rejected under 35 U.S.C. § 112 ¶ 2. Claims 19-24, 25-31, 32-35, and 37 stand rejected under 35 U.S.C. § 102 as purportedly being anticipated by U.S. Patent Application No. 2004/0012631 by Skorski ("Skorski").

The Applicants appreciate the Examiner's thorough examination of the Application, and respectfully request reconsideration of the claims in view of these amendments and remarks. With this response, the Applicants have addressed all of the issues raised in the Office Action; therefore, the Applicants submit that the Application is in condition for allowance and respectfully request the same.

## **EXAMINER INTERVIEW**

The Applicants thank Examiner Thuy-Vi Nguyen and her Supervisor Dean Tan Nguyen for the telephone interview on June 22, 2010. In the interview, differences between the prior art of record and the claims were discussed, as were proposed claims amendments. Examiner Nguyen suggested certain refinements to the proposed claim language, which are incorporated in this response.

## **CLAIM REJECTIONS UNDER 35 U.S.C. § 101**

Claim 19 stands rejected under 35 U.S.C. § 101 as purportedly being directed to non-statutory subject matter. In accordance with the Federal Circuit case, *In re Bilski* 88 USPQ2d 1385 (Fed. Cir. 2008), a process must 1) be tied to a particular machine or

apparatus; or 2) transform a particular article to a different state or thing. The Applicants have amended claim 19 to tie the claim to a particular machine. Accordingly, the Applicants respectfully traverse the rejection of claim 19.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 112 ¶ 2

Claim 20 stands rejected under 35 U.S.C. § 112 ¶ 2 for failing to provide an antecedent basis for “receiving at the computer.” Claim 20 is amended to address this issue.

### AMENDMENTS TO THE CLAIMS

Claim 19 is amended herein to recite, “accessing at the computer the same specific representation of the same specific tangible object in the same database, the representation including the same plurality of attributes.” Also see claim 25. The disclosure teaches that first and second views may be generated from the same representation “data field” of the same database. See Application [0034]; also see Figs. 1-4. In one example, Fig. 1 shows two rules selecting different sets of attributes from a single datafield comprising the same set of attributes (x1 through xn):

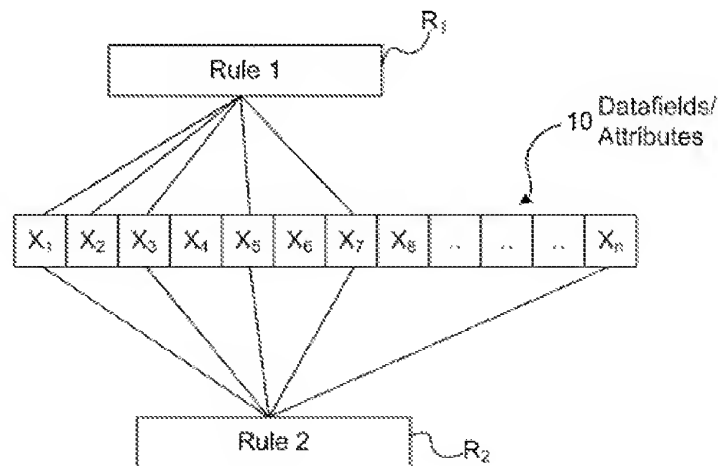
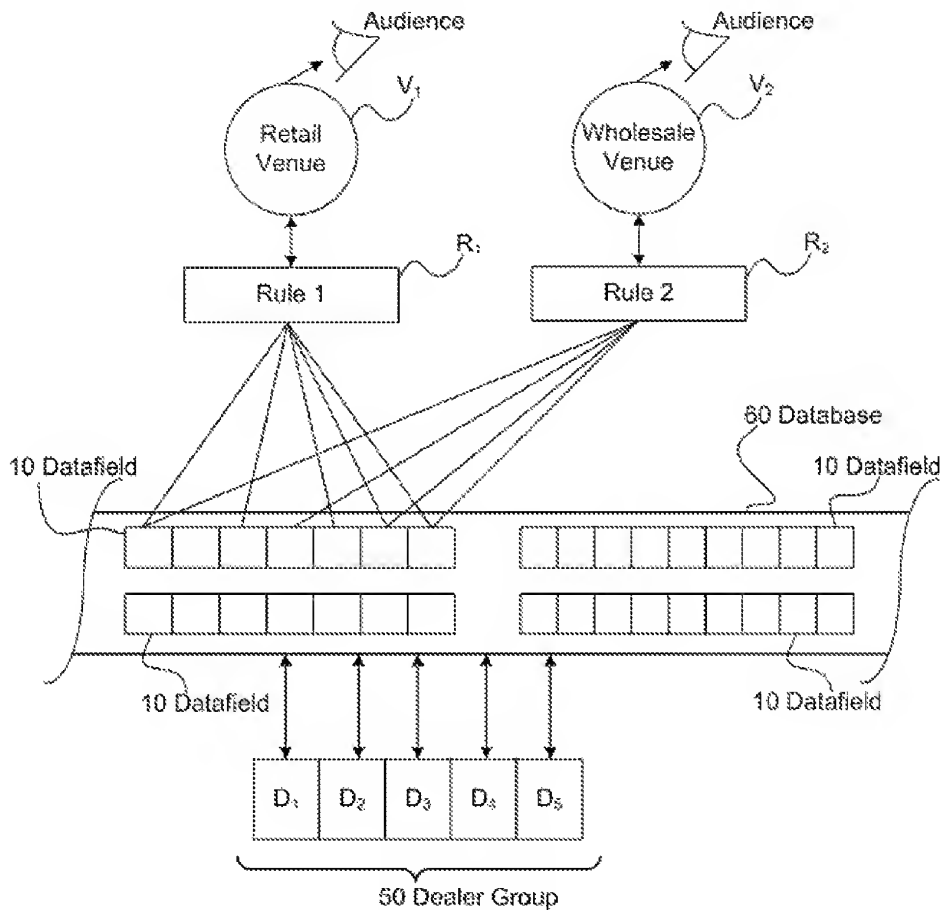


Fig. 1

Claim 25 further recites, “wherein the first plurality of attributes comprises an

attribute not included in the second plurality, and the second plurality comprises an attribute not included in the first plurality.” The disclosure shows several examples of cases in which the attributes selected by a first rule include an attribute excluded by a second rule and vice versa. Fig. 3 illustrates one example of the scenario recited in claim 25:



As illustrated in Fig 3, at least one attribute selected by Rule 1 is not selected by Rule 2 and at least one attribute selected by Rule 2 is not selected by Rule 1. Figure 3 also illustrates that the two views for both venues (V<sub>1</sub> and V<sub>2</sub>) are obtained from the same database (60 in Fig. 3) and from the same representation (data field) thereof (10 in Fig. 3).

#### CLAIM REJECTIONS UNDER 35 U.S.C. §§ 102, 103

Claims 19-35 and 37 stand rejected under 35 U.S.C. § 102 as purportedly being

anticipated by Skorski. With the amendments and remarks herein, the Applicants respectfully traverse this rejection. A claim is properly anticipated under 35 U.S.C. § 102 only if “each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131, *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 at 631 (Fed. Cir. 1987); emphasis added. The reference must show the identical invention in as complete detail as is contained in the claim. *Id.*; emphasis added. Accordingly, all of the limitations must be arranged or combined in the same way as recited in the claim. *Net MoneyIN Inc. v. VeriSign Inc.*, 88 USPQ2d 1751 (Fed. Cir. 2008).

The disclosure teaches generating a “venue-specific” view of a representation of a specific tangible object. See Application at Abstract. Each of the views may differ with respect to which attributes of the representation are included therein. (The same database representation comprising the same set of attributes is used to generate both views.) See Application [0028]; *also* see Figures 1-4. The amendments herein have further clarified these features. In particular, the claims have been amended to recite, “accessing... the same specified representation in the same database... [and] selecting from the same plurality of attributes using a second rule...wherein at least one attribute in the second set is not included in the first plurality and at least one attribute in the first plurality is not included in the second plurality...” Claim 19; emphasis added.

***SKORSKI FAILS TO DISCLOSE SELECTING A FIRST AND A SECOND PLURALITY OF ATTRIBUTES FROM THE SAME REPRESENTATION AS RECITED IN THE CLAIMS***

In contrast to the claims, Skorski appears to discuss **filtering** products to display in a catalog and/or **combining** the contents of two different data sources (a product information database and a template server). See Skorski [0019]-[0020]. Regarding the “filters” purportedly disclosed in Skorski, Skorski states:

“Any item to be entered into the catalog **must** be assigned a product group identification and code. The product group (or subgroup) identifications are selected so that they correspond to the desired contents of at least one custom catalog.” Skorski [0021]; emphasis added.

Skorski indicates that custom catalogs are created by “filtering” which **products** in

the product database are to be included:

“...the retailer may define the displayed information via a form based selection system... to select products by product group identifier and then by specific products.” Skorski [0024]; emphasis added.

“...the computer system is queried for the information content to be displayed via the display template...product information corresponding to the product group identification or code is retrieved so that one or more products are displayed on that catalog page.” Skorski [0027]; emphasis added.

As clearly illustrated above, the “filters” discussed in Skorski are used to select which products to be included in a catalog. Also see Skorski Fig. 1 showing different product subsets included in different custom catalogs. Skorski does not teach or suggest selecting attributes as recited in the claims.

Filtering products to display in a custom catalog is not what is claimed. The claims recite using rules to select the “attributes [of a specific representation] to be included in the first view.” Claim 19; emphasis added. A discussion of filters to select products (e.g., which “specific tangible objects,” such as elements 10 in Figs. 1-4 of the Application) for a retailer’s catalog does not teach or disclose these features; Skorski does not disclose selecting different sets of attributes (or sets of product information) as recited in the claims. Id.

As noted in the Office Action, Skorski discusses a template, which may be used to define retailer-specific information, such as “shipping, costing [price] or other variables.” Skorski [0024]. Skorski Fig. 2 illustrates that a product may be given a different price in different retailer-specific catalogs. See Skorski Fig. 2. Skorski states that this “retailer-specific” information is to be defined in a retailer-specific display template:

“The template server is coupled to a database... which stores data and objects regarding the distributor’s products... The template server includes retailer specific information for each retailer such as retailer description, custom page header and footer, contact information, tax information, shipping information, etc...” Skorski [0019]-[0020].

Skorski further states that the templates are used to, “select various shipping, costing, or other variables...to provide the retailer’s web catalog its appropriate content and look.” Skorski [0024].

However, combining retailer-specific template information with product information

is not what is claimed. The claims recite, “selecting from the same plurality of attributes the second plurality of attributes...wherein at least one attribute in the second plurality is not included in the first plurality...” Claim 19; emphasis added; *also see* claim 25. The Skorski templates fail to disclose selecting as recited in these claims. The Skorski templates are not the same specific representation as recited in the claims. Moreover, Skorski does not teach or suggest that its templates are used to select attributes of a specific representation as recited in the claims. By contrast, Skorski states that product information from the product database is **combined** with information from a **separate template server**:

“When the display template is found...The appropriate output module(s) are...called, each of which then queries the database storage computer system for the stored pages of all of the content fields associated with the specified page. The retrieved content is then supplied to a page generation module, which generates a display page from the content and the display template...”

“Thus, for a catalog page selected by the consumer, the computer database storage computer system is queried for information content...The information content is **combined** in a display template associated with the requested page.” Skorski [0026]-[0027]; emphasis added.

Skorski’s discussion of combining information from a product database with separate, retailer-specific template (in a template server as opposed to the product database), does not teach or disclose selecting attributes “from the same specific representation” as recited in the claims.

As noted in the Office Action, Skorski appears to discuss custom catalogs in which products are assigned different prices. See Skorski [0028]; *also see* Fig. 2. However, and as illustrated above, providing different pricing information via a retailer-specific template is not what is claimed. The claims do not recite combining the product information of a product database with retailer-specific information taken from a template server as discussed in Skorski. See Skorski [0019]-[0020]. By contrast, the claims recite selecting attributes from “the same plurality attributes” of the “same specific representation in the same database.” Claim 19; emphasis added.

Since Skorski fails to teach or disclose selecting a first and second plurality of attributes from, “the same plurality of attributes” and of the “same specific representation in the same database,” the Applicants respectfully traverse the rejection of claims 19-35

and 37 under 35 U.S.C. § 102.

***SKORSKI FAILS TO DISCLOSE SELECTING FIRST AND SECOND PLURALITY OF ATTRIBUTES AS RECITED IN CLAIM 25***

Claim 25 recites, “wherein the first plurality of attributes comprises an attribute not included in the second plurality, and the second plurality comprises an attribute not included in the first plurality.” In addition to the distinctions above, Skorski fails to teach or disclose a first and second plurality of attributes as recited in the claims. As noted in the Office Action, Skorski indicates that different custom catalogs may have different, retailer-specific pricing. See Skorski [0028]; *also see* Fig. 2. However, applying a different value to the same attribute is not what is claimed. Claim 25 has recites that the first and the second plurality of attributes each comprise an attribute that “is not included” in the other plurality. Accordingly, not only does Skorski fail to teach or disclose selecting as recited in the claims, Skorski fails to teach or disclose a first and/or a second plurality of attributes as recited in claim 25.

**GENERAL CONSIDERATIONS**

By the remarks provided herein, the Applicants have addressed all outstanding issues presented in the Office Action. The Applicants note that the remarks presented herein have been made merely to clarify the claimed invention from elements purported by the Office Action to be taught by the cited references. Such remarks should not be construed as acquiescence, on the Applicants’ part, as to the purported teachings or prior art status of the cited references, nor as to the characterization of the cited references advanced in the Office Action. Accordingly, the Applicants reserve the right to challenge the purported teachings and prior art status of the cited references at an appropriate time.

**CONCLUSION**

For the reasons discussed above, the Applicants submit that the claims are in proper condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner notes any further matters that may be resolved by a telephone interview, the Examiner is encouraged to contact Joseph Hawkins by telephone at (801) 578-6971.

Respectfully submitted,

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